

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: Gerard Vahee et al.

Group Art Unit: 3626 : IBM Corporation
Examiner: Vanel Frenel : Intellectual Property Law
Serial No.: 09/660,852 : Department SHCB/040-3
Filed: 09/13/2000 : 1701 North Street
Confirmation No. 7942 : Endicott, New York 13760
Title: PROJECT MANAGEMENT
METHOD AND SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated 11/27/2007, Appellants provide the Amended Appeal Brief.

(i) REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, a corporation of New York, with a place of business at Armonk, NY 10504.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences with which the undersigned is aware.

(iii) STATUS OF CLAIMS

Claims 1 - 12 are pending in the present application.

Claims 1 - 12 have all been finally rejected and are the subject matter of this appeal.

(iv) STATUS OF AMENDMENTS

There are no amendments filed subsequent to the final rejection of 06/16/2006.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention deals with management of projects in a company or organization. Embodiments of a method, system, tool, and computer program product for performing project management are separately claimed in independent claims 1, and 7 - 12 as described below.

Independent claim 1 recites a process for managing a project (Specification page 1, lines 10 - 20, page 2, lines 15 - 16, page 3, lines 6 - 20, and page 6, lines 7 - 8). A project management data model must be built. The data model must have entities and relationships described by text and graphical data (page 6, lines 15 - 25). The data model including the text and graphical data is entered into a relational database (page 6, line 26, to page 7, line 14). Claim 1 also requires that a project management tool for a project for production of a product or providing services be built. The tool has web pages built from the text and graphical data (page 7, lines 15 - 24,

page 8 lines 5 - 10). Hyperlinks are generated in the web pages of the tool based on the relationships in the relational database (page 7, lines 25 - 26). The tool is then used to manage the project (page 7, lines 27 - page 8, line 4).

Dependent claim 5, dependent directly from claim 1, further requires that the project management data model which must be built in claim 1, comprise a project definition process, a change management process, a risk management tool, and an issue management tool (FIG. 3, 30, and page 9, lines 9 - 29).

Independent claim 7 is directed to providing a solution for meeting a business need for a process for production of a product or providing services. A business need is defined. A project management data model is built in response to the need, as in claim 1. All of the remaining limitations recited in claim 7 are identical to those of claim 1, except in the final step, the project management tool is operated to provide the solution which meets the need. The specification and figure references for the steps of claim 1, above, also apply to identical limitations recited in claim 7, as well as claims 8 and 10 - 12 below. To avoid being unnecessarily repetitive, these references are not specifically stated in the description of each of these claims.

Independent claim 8 is directed to a system embodiment of the present invention, for project management (page 8, line 11, to page 10, line 11, and FIGs. 2 and 3). The elements of the system in claim 8 correspond to the steps of claim 1.

Independent claim 9 is directed to a project management tool (page 3, lines 6 - 20). The tool has process listings and work patterns (page 8, lines 22 - 28). The system also includes work pattern documents linked to the process listing and word processor template (page 9, lines 9, to page 10, line 2).

Independent claim 10 is similar to claim 8 but is directed to a system for managing (a plurality of) projects within an enterprise. In particular, claim 10 includes computer means for operating the tool and the data model to manage the projects within the enterprise. This is the same function in the last method step of claim 1, referring to Appellants' Specification (page 7, line 27 to page 8, line 4). Computer means are claimed in system claim 10 for performing this function.

The use of computer means for operating a tool and a data model is conventional and well known art and therefore need not be disclosed in detail. (See MPEP 2163, II, 3, a, paragraph 7) Furthermore, where software constitutes part of a best mode of carrying out an invention, description of such a best mode is satisfied by a disclosure of the functions of the software. Thus, flow charts or source code listings are not a requirement for adequately disclosing the functions of the software. (See MPEP 2163, I, A, paragraph 2)

Independent claims 11 and 12 are directed to a project management system similar to claim 8, but specifically implemented on a computer system or as a computer program product, respectively. In light of the MPEP citations above, independent claims 11 and 12 are adequately explained by

reference to the respective method steps of parallel claim 1. The computer means of each element of claim 10 and the program instruction means of each element of claim 11 performs the corresponding function, one for one, of each step in method claim 1. Reference to Appellants' Specification for each step is given above for claim 1.

(vi) GROUNDS OF REJECTION

There is only one ground of rejection. Claims 1 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hennings (U.S. Patent 6,763,496) in view of Jammes (U.S. Patent 6,484,149).

(vii) ARGUMENT

Claims 1 - 12 are patentable under 35 U.S.C. 103(a) over the prior art and particularly, U.S. Patents 6,763,496 (Hennings) in combination with U.S. Patent 6,484,149 (Jammes).

The combination of Hennings with Jammes does not describe or suggest all of the required steps of Appellants' claim 1. Appellants therefore respectfully disagree with this rejection and offer the following arguments in support thereof.

Appellants' claim 1 requires building a project management data model having entities and relationships described by text and graphical data. The Examiner cited Hennings, column 6, lines 53 - 67 to column 7, line 11, in the Office Action dated 01/04/2006, page 2, paragraph 3, fifth line down. Appellants responded in their amendment dated 04/04/2006 on page 8 that Hennings does not recite in any way in the cited portion the

requirement in their claim 1 of building a project management data model. Although Hennings does describe text or a picture icon as an anchor for a hyperlink, there is no suggestion in Hennings of a project management data model.

The Examiner states in the Office Action dated 06/16/2006 that he relied upon the teaching of Jammes for such a feature and cites Jammes column 1, lines 6 - 30; column 56, lines 7 - 16. Appellants respectfully disagree that Jammes teaches their required step in claim 1 of building a project management data model having entities and relationships described by text and graphical data.

In column 1, lines 6 - 30, Jammes describes publishing information about products on electronic pages which have text and graphics displayable on a computer screen. Jammes also describes web pages which include on-line forms allowing customers to place orders. Nowhere in this cited portion does Jammes describe or suggest building a project management data model.

In column 56, lines 7 - 16, Jammes describes certain features of a software system referred to as the Merchant Workbench, see column 8, lines 3 - 4. In column 56, lines 7 - 16, Jammes notes that the designer of an electronic store may use Merchant Workbench to construct web pages so that the electronic store can automatically adjust the links between pages, as well as, the content on pages. There is simply no description or suggestion of building a project management data model as required by Appellants' claim 1.

For this reason alone, claim 1 is allowable over Hennings in combination with Jammes.

Furthermore, claim 1 requires that the project management data model be entered in a relational database. Neither Hennings nor Jammes describe this step which is to be expected since neither describe or suggest the project management data model itself.

Claim 1, also requires building a project management tool for a project for production of a product or providing services, having web pages, from the text and graphical data, i.e., the text and graphical data that describe the entities and relationships in the project management data model. The Examiner cites Jammes, column 1, lines 11 - 18. However, a careful examination of this cited portion of Jammes shows that there is no description or suggestion of building a project management tool of any type as required by claim 1. As noted above, Jammes merely describes publishing electronic pages having text and graphics.

For each of these reasons, claim 1 is allowable over Hennings in view of Jammes. The Examiner has failed to show how Hennings and Jammes together teach all of the steps of claim 1.

Regarding dependent claim 5, the project management data model of claim 1 must further comprise a project definition process, a change management process, a risk management tool, and an issue management tool. The Examiner cites Jammes, column 33, lines 1 - 60. However, there is no description or suggestion in column 33, lines 1 - 60 of any of these four

elements of a project management data model, much less all four, as required by Appellants' claim 5.

Appellants' independent claims 7, 8, 10, 11, and 12 recite limitations similar to claim 1 above. These claims are allowable for the same reasons as argued above for claim 1.

Independent claim 9 requires a project management tool comprising a plurality of work product documents linked to a plurality of process listings, each process listing providing guidance about how to undertake an activity, the documents describing items used to manage a project. The Examiner, notes on page 7 of the Office Action dated 01/04/2006 that Hennings does not disclose this work product documents requirement. The Examiner cites Jammes column 40, lines 39 - 67. Appellants respectfully disagree that column 40, lines 39 - 67, describe this requirement recited in claim 9 for a project management tool comprising a plurality of work product documents. Claim 9 is allowable over Hennings in view of Jammes for this reason. The Examiner has failed to show how Hennings in combination with Jammes describes or suggests all of the elements of claim 9.

All of the remaining claims depend directly on allowable claim 1 and are therefore also allowable.

Appellants' position, therefore, is that rejection of the pending claims is in error and must be withdrawn. All of the claims are allowable under 35 U.S.C. 103(a) over Hennings in view of Jammes.

In view of the above, Appellants respectfully request that the Board reverse the Examiner's final rejection of all of the claims on appeal, and allow these claims.

Respectfully submitted,

Dated: 12/17/2007

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(viii) CLAIMS APPENDIX

1. A process for managing a project, comprising the steps of:
building a project management data model having entities and relationships described by text and graphical data;
entering said project management data model in a relational database;
building a project management tool for a project for production of a product or providing services, having web pages from said text and graphical data;
generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and
using said tool to manage said project.
2. The process of claim 1, wherein said text includes guidance based on experience.
3. The process of claim 1, wherein said text has been entered in a word processor.
4. The process of claim 1, wherein said graphical data is entered in an image processing application program.
5. The process of claim 1, wherein said project management data model comprises a project definition process, a change management process, a risk management tool, and an issue management tool.
6. The process of claim 1, further comprising the step of parsing said text data by adding tags identifying the nature,

beginning, and end of said entities described by text data and storing said parsed text data in said relational database.

7. A business process for transforming a business need into a strategy for providing a solution which meets said need, comprising the steps of:

defining said business need, wherein said need is for a process for production of a product or providing services;

building in response to said business need, a project management data model having entities and relationships described by text and graphical data;

entering said project management data model in a relational database;

building a project management tool comprising web pages from said text and graphical data;

generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

operating said tool to provide a solution which meets said need.

8. A system for project management, comprising:

a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

a relational database containing said model;

a project management tool having web pages generated from said text and graphical data;

hyperlinks in said web pages of said tool based on said relationships in said relational database; and computer means for operating said tool and said data model to manage a project.

9. A project management tool, comprising:

a plurality of process listings for a process for production of a product or providing services, each said process listing providing guidance about how to undertake an activity;

a plurality of work patterns, each said work pattern describing a response to a project management situation and having threads throughout said plurality of process listings;

a plurality of work product documents linked to said plurality of process listings, said documents describing items used to manage a project;

word processor templates for said work product documents describing plans, procedures, and records; and

procedures for said process listings.

10. A system for managing projects within an enterprise, comprising:

a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

a relational database containing said model;
a project management tool having web pages generated from said text and graphical data;
hyperlinks in said web pages of said tool based on said relationships in said relational database; and
computer means for operating said tool and said data model to manage said projects within said enterprise.

11. A project management system implemented on a computer system, said project management system comprising:

means for building a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

means for entering said project management data model in a relational database;

means for building a project management tool comprising web pages from said text and graphical data;

means for generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

means for using said tool to manage said project.

12. A computer program product for instructing a processor to provide a method of project management, said computer program product comprising:

a computer readable medium;

first program instruction means for building a project management data model for a project for a process for production of a product or providing services, said model having entities and relationships described by text and graphical data;

second program instruction means for entering said project management data model in a relational database;

third program instruction means for building a project management tool comprising web pages from said text and graphical data;

fourth program instruction means for generating hyperlinks in said web pages of said tool based on said relationships in said relational database; and

fifth program instruction means for using said tool to manage said project; and wherein

all said program instruction means are recorded on said medium.

(ix) EVIDENCE APPENDIX

The following evidence was submitted pursuant to §1.131 in the present application

Exhibit A - IBM invention disclosure SMS819990016.

Item 1 - a copy of a screen shot of IBM's internal Worldwide Project Management Method web site.

Item 2 - a copy of an electronic message (note) from IBM employees Sue Davies to John Wilson dated 8/12/99 (European date is 12/8/99).

Item 3 - a copy of an electronic message (note) from IBM employees Scott Wagert to Susan Iverson dated 11/19/99.

Item 4 - a copy of electronic message (note) from IBM employees Elyse Anchell to David Harris dated 11/24/99.

(x) RELATED PROCEEDINGS APPENDIX

None.